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In re Application of
OSTLUND et al.
Application No.: 10/500, 172
PCT No.: PCT/FI02/01037
Int. Filing Date: 18 December 2002
Priority Date: 28 December 2001
Attorney Docket No.: 6009-4711
For: A MOULD FOR CONTINUOUS
CASTING OR METAL STRIPS

DECISION ON
PAPERS UNDER 37 CFR 1.42

This decision is in response to applicants' "Renewed Submission under 37 CFR 1.42" filed 13 June 2005. No petition fee is required.

BACKGROUND

On 18 December 2002, applicants filed international application PCT/FI02/01037, which claimed a priority date of 28 December 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 July 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire on 28 June 2004.

On 24 June 2004, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; an English translation of the international application; and a preliminary amendment.

On 27 September 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 10 November 2004, applicants filed separate declarations executed by Sture Ostlund as inventor and Angela Vestman and Susanne Karlsson on behalf of deceased inventor, Bertil Vestman. In a decision dated 15 December 2004, applicants' request was dismissed because the declaration was defective under 37 CFR 497(a)-(b).

On 15 February 2005, applicants filed the present renewed request accompanied by a declaration/power of attorney executed by: Sture Ostlund as inventor and Angela Vestman

and Susanne Karlsson on behalf of deceased inventor, Bertil Vestman. In a decision dated 01 March 2005, applicants' request was dismissed because the declaration was defective under 37 CFR 497(a)-(b).

On 13 June 2005, applicants filed the present renewed request accompanied by a declaration/power of attorney executed by: Sture Ostlund as inventor and Angela Vestman and Susanne Karlsson on behalf of deceased inventor, Bertil Vestman.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed on 13 June 2005 is executed by Angela Vestman and Susanne Karlsson as the "legal representatives" of the deceased inventor, Bertil Vestman. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 13 June 2005.

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

The application has an international filing date of 18 December 2002, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of 13 June 2005.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



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